

Judge approves Smoky Canyon Mine expansion

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BOISE, Idaho -- An environmental group promises to appeal a federal ruling that on Tuesday approved the expansion of a phosphate mine into a roadless area near Yellowstone National Park.

In his decision, U.S. District Judge Mikel Williams said the U.S. Forest Service and the Bureau of Land Management followed the necessary steps when considering the J.R. Simplot Company's request to expand its Smoky Canyon Mine.

"We already know we're going to appeal," said Marv Hoyt, executive director of the Greater Yellowstone Coalition, which sued to stop the expansion. "We basically believe the judge erred in virtually every one of the claims we brought forward."

The J.R. Simplot Co. has mined phosphate rock from leased land in the Caribou National Forest since 1983, supplying about 1.5 million tons of phosphate ore a year to the company's Don fertilizer plant in Pocatello. But the Smoky Canyon Mine's phosphate reserves were expected to be completely played out by the summer of 2010, and last June the Bush administration approved a plan to allow the mine to expand into roadless areas of the Caribou-Targhee National Forest.

The company said the expansion into land about 100 miles south of Yellowstone National Park would provide enough phosphate to keep the Don plant running for another 15 years.

The Greater Yellowstone Coalition sued, contending the expansion would further harm a region already polluted with selenium from past phosphate mining. Pollution from other mines in the 1990s resulted in the deaths of horses and hundreds of sheep grazing in areas tainted by selenium.

In its lawsuit, the coalition said the U.S. Forest Service and the Bureau of Land Management violated several federal rules, including the Clean Water Act, the National Environmental Policy Act and the National Forest Act.

Several entities intervened in the case to throw their support behind the mine, including the cities of Pocatello and Chubbuck, Idaho, and Afton, counties on both sides of the state line, United Steel Workers Local 632 and the Idaho Farm Bureau. All said they would be hurt by disruptions to Simplot's phosphate supply.

In his ruling, Williams wrote that the case had been one of the more difficult issues for the court to decide and said that the Greater Yellowstone Coalition made some very good arguments on how the ground and surface water could be affected.

But ultimately, Williams said, the environmental group was making its claim based on a hypothetical future violation of federal clean water rules.

It's not the job of the court to judge the wisdom of government decisions, but only to make sure the agencies took a hard look at a proposed action, Williams said.

"The NEPA process worked here as it was designed to work," Williams wrote, noting that there was opportunity for the public, environmental groups and government agencies to comment on the expansion. "As a result of those comments and the Agencies' response, the ultimate action is more protective of the environment than it would have been without the process."

The expansion appears to strike a reasonable balance between the need of Simplot and its employees, farmers and stakeholders, the judge said.

"We're delighted by the decision and looking forward to continuing to mine phosphate rock in an environmentally responsible manner as we have done for many years," Simplot Company spokesman David Cuoio said in a prepared statement.

"We're also happy that the communities that are affected by this decision will continue to benefit economically from our phosphate-related operations."